IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Koelle et al.** §	Group Art Unit: **2182**
Serial No. **09/894,065** §	Examiner: **Chen, Alan S.**
Filed: **June 28, 2001** §	
For: **Method and Apparatus for Using Dynamic Grouping Data to Group Attributes Relating to Computer Systems** § § §	

Commissioner for Patents
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35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

REPLY BRIEF (37 C.F.R. 41.41)

This Reply Brief is submitted in response to the Examiner's Answer mailed on July 3, 2006.

No fees are believed to be required to file a Reply Brief. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

ARGUMENT

In the Examiner's Response mailed July 3, 2006, the Examiner characterized three issues in the Appeal Brief and presented arguments regarding these issues. Appellants are responding briefly to the points made in those arguments.

Issue 1

The Examiner expressed concern about the use of an external definition of *attribute* and argues that **McCormack** discloses attributes. Appellants believe that this response misses the point of Appellants' argument. **McCormack's** disclosure of attributes is not a true issue in the appeal. Appellants acknowledge that **McCormack** does indeed show various attributes for devices. Appellants assert that the question is not whether **McCormack** discloses attributes, but whether or not the recitation of *attribute* in the claims can be read on the *value* of an attribute. **McCormack** updates *values* of the existing attributes, not the *new attributes* themselves.

Issue 2

The Examiner asserts that the claim language does not dictate how the notification of a new attribute is generated and that **McCormack's** device polling detects changes in attributes, which he equates to receiving notification. Again, this misses the point of Appellants' arguments. Appellants acknowledge that **McCormack** detects changes in attributes, but assert that this reference detects changes in the *values* of attributes, not new *attributes*.

Issue 3

The Examiner asserts that Appellants arguments are not commensurate with the scope of the claims and further asserts that if "*the appellant wishes to claim what appellant argues, the claim language should better distinguish between 'attribute category' and 'attribute value' … Under the broadest a reasonable interpretation of the claims in light of the specification, a "set of attributes" can be anything that involves the attributes, including the category of attributes and values of the attributes themselves*".

This is the crux of the appeal, whether or not "*a set of attributes*" can be "*anything that involves the attributes*", such as the value of the attribute. Appellants assert that many resources speak of attributes and their values as distinct entities, without the need to further qualify the term *attribute*. For example, Wikipedia notes that "*In network management, an attribute is a property of a managed object that has a value*". This source, in agreement with any number of sources, clearly recognizes that an attribute and its value are different, without the need to qualify the term *attribute*. Appellants assert that claim 1 unambiguously refers to an *attribute*, which one of ordinary skill in the art would understand to be different from the *value* of the attribute.

The Examiner then argues that even if one accepts the more narrow meaning of *attribute* that Appellants assert, **McCormack** still discloses the claimed features, noting:

> … upon receipt of a notification that a new attribute [category] can be searched (Column 12, lines 10-15 then state that the user subsequently notifies the filter dialog of a new attribute category IOS Version, and look for values 10.3 and 11.1), dynamically updating the set of attributes (Column 12, lines 10-15 states the filter mechanism now dynamically adjusts so that Device Type values 7300 or 7500 AND IOS software version 10.3 or 11.1 are searched/filtered) …

This reading of the claim on **McCormack** ignores that the new attribute is an attribute that *can be searched*, which is not the same as an attribute for which a new search *is being executed*, as the example shows. When a user begins a search or adds an attribute to a search, the user relies on prompts or their own knowledge of the search program for a list of attributes that the search program is capable of searching on. In **McCormack**, using Figure 3 as an example, the user could search for devices having a specific domain, device type, IOS Version, location (User Field1), and department (User Field2). But if the user wanted to search on the year the device was purchased, the user would be unable to do so, because the attribute *purchase year* has not been specified in these tables as a searchable item and there is no indication that this attribute is even available within the database. The example offered by the Examiner does not show a new attribute that *can be searched* and this reference does not meet the claimed feature "*upon receipt of a notification that a new attribute can be searched, dynamically updating the set of attributes*". Thus, this rejection should be overturned.

The Board of Appeals is requested to overturn the rejection of the outstanding claims over **McCormack** and to indicate the claims to be allowable over this reference.

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